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HERMISTON IRRIGATION DISTRICT

366 E. Hurlburt Ave.
Hermiston, OR 97838
Phone: (541) 567-3024
Fax: (541) 564-1069
e-mail: hid@eoni.com
http://users.eoni.com/~hid

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Dockets Management System
U.S. Department of Transportation
Room PL-401
400 Seventh Street, S.W.
Washington, DC 20590-0001

Re: Comments for RSPA-04-17167 - 1

Hermiston Irrigation District (HID) is requesting regulatory flexibility from the recently revised 49 CFR 173.226 (a) which states (materials poison by inhalation will be transported) in seamless specification cylinders conforming to the requirements of 173.40, as well as other provisions within 49 CFR 173.40.

HID Serves approximately 10,000 acres through 116 miles of waterways which reach 1165 patrons who irrigate by flood, sprinkle and drip irrigation.

In the areas we supply irrigation water to, acrolein is used for the control of aquatic weeds and algae in irrigation canals under the trade name, MAGNACIDE® H Herbicide. It is a vital tool in controlling submersed aquatic weeds and algae to allow for the efficient operation of irrigation systems. Local farmers rely on these irrigation systems to irrigate their crops. If the control of submersed aquatic weeds is interrupted, the water deliveries will decrease, thus disrupting irrigation operations throughout our delivery area. At this time we are experiencing a serious drought. We must supply our reduced amount of water as efficiently as possible. As the end users of acrolein, our customers are dependent on the efficient supply of irrigation water to maintain our operations. With the current economic downturn impacting the agriculture industry significant additional operating costs would be difficult to pass along to our water users.

Baker Petrolite maintains the only pesticide registration with the U.S. Environmental Protection Agency for acrolein as an aquatic herbicide. There are no other alternatives available that work in the manner in which MAGNACIDE H does in flowing irrigation water.

For many years we have received acrolein in 4BW240 cylinders, which are manufactured of carbon steel. Over the years we have developed our safety program and operations to utilize these cylinders. Converting our operations to utilize another form of packaging would be a major expense that would ultimately impact our customers. The current size of the 4BW240 cylinders provides a volume of material that is appropriate for the applications for which they are used. This allows the fewest number of connections and disconnections of application equipment, and thus the lowest risk to our personnel. The cylinder dimensions allow the personnel to install application equipment and to operate the related valving at a safe and comfortable height. Any change in design will impact our application equipment, procedures, and established safety programs with acrolein. Due to the nature of acrolein, great efforts have been made in equipment design, maintenance, and inspection, as well as in the training to ensure the safety of all involved in the application of acrolein.

Based on our discussions with Baker Petrolite, to manufacture the new specification 3B cylinders would be very expensive and they can not be constructed to the meet applicator safety

requirements. A new specification 3B cylinder manufactured to hold a comparable amount of liquid needed for applications would be between 6 and 7 feet tall, which is too tall to work with safely in the field. The other choice is to require the use of a drum in a drum type container. These types of containers are bulky and difficult to handle. Furthermore, the structural integrity of the drum in a drum is no comparison to that of the 4BW240 cylinder.

We also feel strongly that the pressure relief device utilized by Baker Petrolite should remain in place at all times for the highest level of safety.

HID believes that there should be regulatory flexibility from the recently revised 49 CFR 173.226 (a) as well as other provisions within 49 CFR 173.40. Acrolein has been shipped in 4BW240 cylinders without risk to property and safety for many years. As previously stated, there are no other alternatives available that work in the manner in which MAGNACIDE®H does in flowing irrigation water. Due to the effectiveness of acrolein on weed and algae control in irrigation systems, we have developed operational processes using the 4BW240 cylinders that would not be cost or time effective to change. The impact that 49 CFR 173.226 (a) has placed on our supplier of acrolein to obtain 3B "seamless" cylinders will increase costs, minimize safety, and ultimately effect our operations. We applaud your efforts in increasing the safety of transporting hazardous materials that are Poisonous by Inhalation. We ask your assistance in carefully evaluating the impacts that the change in cylinder specifications will have on small businesses of the agricultural industry that utilize acrolein. We are receptive to finding the safest and most practicable resolution to this matter. However, the current regulation does not provide additional safety and makes use of the product near cost prohibitive therefore we feel the regulation is unwarranted.

Sincerely,

Chuck Wilcox

Chuck Wilcox
Manager